

REMARKS

In the Office Action dated July 15, 2003, claims 1-3 and 5-21 are pending. Claims 1, 13, 17, and 20 have been amended. Note that claims 1, 13, 17, and 20 are independent claims from which all other claims depend therefrom.

Claims 1-3, 5-7, 10-14, and 17-21 stand rejected under 35 U.S.C. 102(b) as being anticipated by Turnbull et al. (6,166,698). Independent claims 1, 13, 17, and 20 have similar limitations and are therefore discussed together.

As stated in the response to the first Office Action, independent claims 1 and 17 are directed respectively towards a real time stamp synchronization system and method for an automotive vehicle. The system includes a vehicle clock that stores a current time. A time receiver receives a real time signal. An object detection system generates an object detection signal in response to objects within a proximity of the vehicle. A collision system controller is electrically coupled to the vehicle clock, the time receiver, and the object detection system. The collision controller synchronizes the current time with the real time signal and stores the object detection signal in synchronization with the real time signal.

Independent claims 13 and 20 are directed respectively towards a collision evaluation system and method for reconstructing a vehicle collision event. Claims 13 and 20 include the limitations contained within claims 1 and 17 and are further limited to include the limitation of reconstructing a collision event in response to a vehicle collision event signal. The real time stamp synchronization system generates a vehicle collision event signal corresponding to the collision event in real time. A collision evaluation center is in communication with the vehicle and stores the vehicle collision event signal and the object detection signal. The collision evaluation center reconstructs the collision event in response to the vehicle collision event signal and the object detection signal.

The Final Office Action refers to the GPS system of Turnbull as an object detection system that detects position, speed, direction of travel, time, etc. of a vehicle. The GPS system of Turnbull is used for determining the stated information of a host vehicle. The GPS system is not used for determining information of a vehicle or object that is proximate to a host vehicle. Thus, the GPS system and the signals received therefrom of Turnbull are not the same as the object detection system and object detection signals of the present invention.

The Final Office Action further states that Turnbull anticipates the independent claims of the present application since collision systems are well known for incorporating sensors for detecting objects in proximity with a host vehicle. Although it may be true that collision systems have incorporated sensors for detecting objects in proximity with a host vehicle, collision systems have not incorporated, and what was not known or suggested at the time of the present invention is, the limitation of synchronizing object detection signals with a real time signal. Even if Turnbull had included an object detection system, there is no teaching or suggestion in Turnbull for the synchronization stated.

Also, there is no motivation or suggestion in Turnbull or provided by the Examiner to modify Turnbull to arrive at the claimed systems and methods in the present application. Turnbull does not teach or suggest use of an object detection system as defined by the present invention. Turnbull does not teach or suggest synchronization of object detection signals with a real time signal. As such, any obviousness type rejection based on the modification of Turnbull to include and perform the same would therefore be based on improper hindsight reconstruction.

In regards to claim 13, the Final Office Action further states that receiving a real time signal from a time center, such as NIST, is not part of the claim limitations. Claim 13 includes the limitation of a time center. Applicants submit that the prosecution history of a patent may be used in the interpretation of

claims, and more particularly in determining what the applicants intended as the meaning of various verbiage. As stated in Chisum on Patents in vol. 5A §18.03[2][d], "most court decisions treat prosecution history as a primary source, i.e. intrinsic evidence, of the meaning of a claim." Also, as stated in the in banc decision, *Markman v. Westview Instruments, Inc.* (1995), "To construe claim language, the court should... consider the patent's prosecution history, if it is in evidence.... This 'undisputed public record' of proceedings in the Patent and Trademark Office is of a primary significance in understanding the claims.... The court has broad power to look as a matter of law to the prosecution history of the patent in order to ascertain the true meaning of language used in the patent claims....". The term "time center" is defined in the specification of the present application and is more narrowly defined in the First Office Action. From the specification and the prosecution history it can be easily ascertained and it is clear that the Appellant intends the term time center to refer to a center, such as NIST, not to a GPS.

The Final Office Action states that NIST is synchronized to a GPS and that the GPS uses atomic clocks. The accuracy of the GPS is irrelevant as to whether Turnbull teach or suggests receiving a real time signal from a time center as defined by the present invention. Thus, Turnbull does not teach or suggest receiving a real time signal from a time center as defined by the present invention.

Additionally, in regards to claims 13 and 20, Turnbull does not teach or suggest the generation of a collision event signal as defined by the present invention and as stated in the First Office Action. Since Turnbull does not teach or suggest the generation of an object detection signal as defined by the present invention, Turnbull also does not teach or suggest the reception of information from the object detection signal by a collision evaluation center and the generation of a collision event signal in response thereto.

Therefore, Turnbull does not teach or suggest use of an object detection system, generation of an object detection signal, synchronization of the object detection system with real time signal, reception of information from an object detection signal by a collision evaluation center, and reception of a real time signal from a time center. Therefore, claims 1, 13, 17, and 20 are novel and nonobvious and are in a condition for allowance. Additionally, since claims 2-3, 5-12, 14-16, 18-19, and 21 depend from claims 1, 13, 17, and 20, respectively, they are also novel and nonobvious for at least the same reasons and are in a condition for allowance.

In light of the amendments and remarks, the Applicants submit that all objections and rejections are now overcome. The Applicants have added no new matter to the application by these amendments. The Applicants respectfully submit that the application is now in condition for allowance and expeditious notice thereof is earnestly solicited. Should the Examiner have any questions or comments, he is respectfully requested to call the undersigned attorney.

Respectfully submitted,

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